

Auto-reply fax to 408971466 COMPANY:

Appendix B

Auto-Reply Facsimile Transmission



TO: Fax Sender at 4089714660

Fax Information

Date Received:


Total Pages:

10/10/2006 5:53:19 PM [Eastern Daylight Time]
13 (including cover page)

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Received
Cover
Page

=====>

TO: USPTO		FROM: ZILKA KOTAB	
ZILKA KOTAB		ZILKA KOTAB	
100 PARK CENTER PLAZA, SUITE 100 SAN JOSE, CA 95128		TEL: (408) 971-1512 FAX: (408) 971-1560	
FAX COVER SHEET			
Date: October 10, 2006	Phone Number:	Fax Number:	
To: Patent Division, USPTO	From: Zilka Kotab		(408) 971-1560
District Attn: <u>Registration Division</u> App. No: <u>09/061469</u>			
Total Number of Pages Being Transmitted, Including Cover Sheet: <u>1</u>			
Message: Please deliver to the Patent Division.  Zilka Kotab			
<input checked="" type="checkbox"/> Original to follow Via Registered Mail <input checked="" type="checkbox"/> Original will follow Via Registered Mail <input type="checkbox"/> Original will follow Via Overnight Courier			
I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM NOT PROVIDING ANY INFORMATION THAT IS FALSE, MISLEADING, OR DECEPTIVE. I AM NOT PROVIDING ANY INFORMATION THAT IS UNLAWFUL OR VIOLATES ANY APPLICABLE LAW. I AM NOT PROVIDING ANY INFORMATION THAT IS UNETHICAL OR VIOLATES ANY APPLICABLE ETHICS. I AM NOT PROVIDING ANY INFORMATION THAT IS UNRELIABLE OR UNACCURATE. I AM NOT PROVIDING ANY INFORMATION THAT IS UNCOMPLETE OR INCONSISTENT. I AM NOT PROVIDING ANY INFORMATION THAT IS UNUSUAL OR UNCOMMON. I AM NOT PROVIDING ANY INFORMATION THAT IS UNUSUAL OR UNCOMMON. I AM NOT PROVIDING ANY INFORMATION THAT IS UNUSUAL OR UNCOMMON.			
I HAVE NOT RECEIVED ANY INFORMATION THAT IS UNUSUAL OR UNCOMMON. I HAVE NOT RECEIVED ANY INFORMATION THAT IS UNUSUAL OR UNCOMMON. I HAVE NOT RECEIVED ANY INFORMATION THAT IS UNUSUAL OR UNCOMMON. I HAVE NOT RECEIVED ANY INFORMATION THAT IS UNUSUAL OR UNCOMMON. I HAVE NOT RECEIVED ANY INFORMATION THAT IS UNUSUAL OR UNCOMMON.			
PAGE 113/100 AT 10/10/2006 5:53:19 PM [Eastern Daylight Time] *SVPUSPTO@PTO* 211 206 27/02/05 *END* 4089714660 *QUARTERMASTER* 04-02			

FAX HEADER 1: ZILKA-KOTAB, PC
FAX HEADER 2:

TRANSMITTED/STORED : OCT. 10, 2006 3:04PM
FILE MODE OPTION

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13/13

REASON FOR ERROR

1-31 HANG UP OF LINE CALL
1-31 NO ANSWER

2-21 BUSY

2-21 NO FACSIMILE CONNECTION

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SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: October 10, 2006	Phone Number	Fax Number
To: Petition Division, USPTO		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NAIIP460/D1.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, including Cover Sheet: 13

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PC
ZILKA, KOTAB & FEECETM

100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: October 10, 2006	Phone Number	Fax Number
To: Petition Division, USPTO		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NAHIP460/01/045/01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Febyashkin et al.

Application No.: 09/963,659

Group No.: 2137

Filed: 09/27/2001

Examiner: Schubert, K.

For: COMPUTER VIRUS DETECTION

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
— under 37 CFR § 1.181(a)

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Issue Fee and Publication Fee were timely filed in the above-identified application.
2. I hereby state:
 - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is **optional**.)

I hereby certify that on the date shown below, this correspondence is being

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37 C.F.R. § 1.8(a)

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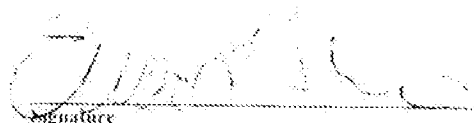
37 C.F.R. § 1.10*

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Signature

Date



Erica L. Farlow

(Type or print name of person certifying)

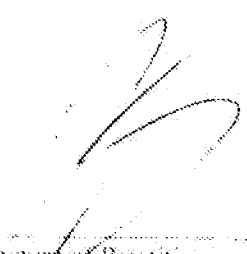
* The date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission made by the USPTO will be taken into account in determining timeliness. See 37 CFR 1.103(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.101) for the date to be entered the earliest possible filing date for patent term adjustment calculations.

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 80-1351 (Order No. NAI1P460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 41429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

COPY

Practitioner's Docket No. NAHP460/01,045.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Teblyashkin et al.

Application No.: 09/963,659

Group No.: 2137

Filed: 09/27/2001

Examiner: Schubert, R.

For: COMPUTER VIRUS DETECTION

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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— under 37 CFR § 1.181(a)

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2. I hereby state:
 - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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37 C.F.R. § 1.8(a)

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Date: 10/10/2006

Erica L. Farrow

Type or print name of person certifying

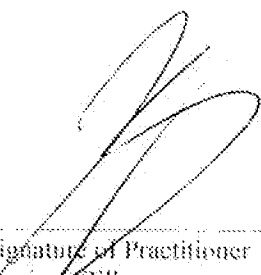
* Only the date of filing (1.15a) will be the date used in a patent term adjustment calculation although the date on any certificate of mailing or transmission under 1.18 continues to be taken into account in determining timeliness. See 1.103(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.14) for the reply to be accorded the earliest possible filing date for patent term adjustment calculation.

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 50-1351 (Order No. NA11P460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 41,429
Tel. No: 408.971.2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA



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TO: Fax Sender at 4089714660

Fax Information
 Date Received: 6/28/2006 4:33:46 PM [Eastern Daylight Time]
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Received
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 Page

U.S. PATENT & TRADEMARK OFFICE
TO: ISSUE FEES

ZILKA KOTAB

ATTORNEY AT LAW

100 PARK CENTER PLAZA, SUITE 300
 SAN JOSE, CA 95131

TELEPHONE (408) 971-0171
 FAX (408) 971-4660

FAX COVER SHEET

Date: June 28, 2006	Phone Number:	Fax Number:
To: Issue Fee Division, USPTO		(571) 271-2885
From: Kevin J. Zilka		

Doc# No: 10010000100101 App No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

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PAGE 03 OF 03 AT 01:00:00 A 33:46PM Eastern Daylight Time 09/USPTO-CT/ST 6/11/06 01:00:00 CDR 4089714660 DURATION 00:01:34

FAX HEADER 1: ZILKA-KOTAB, PC
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3/3

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FAX COVER SHEET

Date: June 28, 2006	Phone Number	Fax Number
To: Issue Fee Division, USPTO		(571) 273-2885
From: Kevin J. Zilka		

Docket No.: NA11P460/01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

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ZILKA KOTAB

PC
ZILKA, KOTAB & FEECETM

100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: June 28, 2006	Phone Number	Fax Number
To: Issue Fee Division, USPTO		(571) 273-2885
From: Kevin J. Zilka		

Docket No.: NAHP460/01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

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2398

05/24/2006

Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120

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Eric A. Farlow (Depositor's name)
[Signature] (Signature)
June 28, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,659	09/27/2001	Ivan Teblyashkin	01,045.01	9245

TITLE OF INVENTION: COMPUTER VIRUS DETECTION

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEES DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/24/2006
EXAMINER		ART UNIT	CLASS-SUBCLASS		
SCHUBERT, KEVIN R		2137	726-024000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Zilka-Kotab, PC

2. Christopher J. Hamaty

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

McAfee, Inc.

Santa Clara, California

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies

4b. Payment of Fee(s):

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☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 56-1351 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

Order No. NA11P460

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Kevin J. Zilka

Date

6/28/06

Typed or printed name

Registration No.

41,429

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Ernest J. Harlow (Depositor's name)
[Signature] (Signature)
June 28, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,659	09/27/2001	Ivan Tchylachuk	01,045,01	9245

TITLE OF INVENTION: COMPUTER VIRUS DETECTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/24/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
SCHUBERT, KEVIN R	2137	726-024006			

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2. Christopher J. Hamaly

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(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

McAfee, Inc.

Santa Clara, California

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

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☒ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies

4b. Payment of Fee(s):

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☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by change the required fee(s), or credit any overpayment, to Deposit Account Number 50-1351 (enclose an extra copy of this form).

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☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(7).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Typed or printed name

Kevin J. Zilka

Date

Registration No.

41,429

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/255,659	09/27/2004	Ivan Teliyski	01 045.01	9245

7599 09/28/2006
Zilka-Kotah, PC
P.O. Box 721120
San Jose, CA 95172-1120

EXAMINER

STUBERT, KEVIN R

ART UNIT PAPER NUMBER

2137

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/963,659

Examiner

SHUBERT

Applicant(s)

TEBLYASHKIN

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☒ The submitted fee of \$300 is insufficient. A balance of \$1400 is due.
The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment